



California Regional Water Quality Control Board North Coast Region

Beverly F. Wasson, Chairperson

Alan C. Lloyd, Ph.D
Agency Secretary

<http://www.waterboards.ca.gov>

5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone 1-877-721-9203 Office (707) 576-2220 FAX (707) 523-0135



Arnold
Schwarzenegger
Governor

Mailout Date: November 17
, 2005

Meeting Announcement Agenda

9:00 a.m., Wednesday, December 7, 2005

**Yreka Community Center theater
810 North Oregon Street
Yreka, CA**

Supporting documents for agenda items are posted on our website at least 10 days prior to the scheduled meeting. To view or download documents, go to www.waterboards.ca.gov/northcoast.

Comments on individual agenda items are welcome. A set of draft materials for each agenda item that will be considered by the Regional Water Board is mailed to each person on the interested parties list. If you wish to be added to our interested parties list for a specific agenda item, please contact the staff person listed with the item in this agenda notice.

For comments on an agenda item to be considered by the Regional Water Board, they must be submitted on or before the due date listed in the associated hearing notice, which is mailed to interested parties, and posted on the Regional Water Board's website.

For any item for which there is no due date specified by a specific hearing notice, all written submittals shall be due no later than 12:00 noon the Friday before the board meeting or workshop. Timely submittal of comments gives the Regional Water Board staff and the Regional Water Board members sufficient time to familiarize themselves with your concerns and for staff to address them.

The Regional Water Board may refuse to accept written comments submitted after the due date in the applicable hearing notice. Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Water Board may refuse to admit written testimony or evidence into the administrative record if it is not submitted to the Regional Water Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship. Agenda items are subject to postponement. You may contact the designated staff contact person in advance of the meeting day for information on the status of any agenda item.

All persons desiring to address the Board are required to fill out a **speaker card**. The Chair may then determine the number of persons who wish to speak on any one item. Cards are normally provided near the entrance to the meeting room.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chair.

9:00 a.m.

- i. Pledge of Allegiance
 - ii. Roll Call and Introductions
 - iii. Board Member Ex Parte Communication Disclosure - Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code Section 11430.50.
 - iv. State Board Liaison's, Board Chair's, Board Members' and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.
 - v. **Public Forum** – Time will be reserved for the general public to address the Board on any matter within the Board's jurisdiction, excluding those items on the agenda. The Board Chair may limit the public forum to thirty (30) minutes initially, and continue any remaining appearances beyond the thirty (30) minutes at the end of the regularly scheduled business of the day. The Board Chair requests that each person addressing the Board limit their presentation to three (3) minutes.
1. Approval of Meeting Minutes: September, and October 2005

Action Items

2. PUBLIC HEARING to consider adoption of Resolution R1-2005-0113 for an Amendment to the Water Quality Control Plan of the North Coast Region for the **Scott River Watershed Sediment and Water Temperature Total Maximum Daily Loads and TMDL** Introductory Language. (*David Leland*)

Information Items

3. Update on **Non-Point Source** Program (*Diana Henriouille*)
4. Update on Proposed Regulations for Incidental Take Permits for Coho Salmon on Timberlands. Presentation by Mark Stopher, Habitat Conservation Program Manager, California Department of Fish and Game (*Robert Klamt*)
5. Executive Officer Administrative Civil Liabilities (*Catherine Kuhlman*)
6. Board Member Requests for Future Agenda Items (*Catherine Kuhlman*)
7. Monthly Report to the Board
8. Other Items of Interest

Closed Session

9. The Board may meet in closed session to:
- a. consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)];
 - b. consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against a public employee [Authority: Government Code Section 11126(a)(1)];
 - c. discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)];
 - d. discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)] including, but not limited to, the following matters: (*In re Talmage Dam* [consider referral of sediment discharge from dam operated by Mendocino County to Attorney General's Office]); and
 - e. discuss initiated litigation in the following matters [Authority: Government Code Section 11126(e)]:
 - i. *Carla M. Clark et al. v. City of Santa Rosa et al.*, Sonoma Co. Sup. Ct., Case No. 227896 (alleging tort liability against the City, County and State relating to groundwater contamination from private commercial activities);
 - ii. *Pacific Lumber Company v. State Water Resources Control Board*, Calif. Supreme Court, Case No. S124464 (challenge re 520 monitoring order and authority of Water Boards);
 - iii. *Pacific Lumber Company and Scotia Pacific Company, LLC v. North Coast Regional Water Quality Control Board and California State Water Resources Control Board*, Humboldt Co. Sup. Court, Case No. CV-030650 (challenging 13267 orders);
 - iv. *Pacific Lumber Company and Scotia Pacific Company, LLC v. North Coast Regional Water Quality Control Board and California State Water Resources Control Board*, Humboldt Co. Sup. Court, Case No. CV 030761 (challenging request for reports of waste discharge in Freshwater Creek);
 - v. *People of the State of California v. North Coast Railroad Authority d.b.a. North Western Pacific Railroad*, Mendocino Co. Sup. Ct., Case No. CV80240;
 - vi. *Whitman Corp. and Pneumo Abex Corp. v. California Regional Water Quality Control Board, North Coast Region*, Sonoma County Sup. Court (no Case No.); and related case *People of the State of California, et al. v. Remco Hydraulics, Inc., et al.*, U.S. Dist. Ct., N. Dist., Case No. C96-0283; and
 - vii. *Westside Association to Save Agriculture v. City of Healdsburg* consolidated with *The People of the State of California ex. rel. California Regional Water Quality Control Board, North Coast Region v. City of Healdsburg*, Alameda Co. Sup. Ct., Case No. 2002-045680.
 - viii. *People, et al. v. Stuyvesent et al.*, Humboldt Co. Sup. Court (natural resource damage and statutory violations stemming from a fuel oil spill in Humboldt Bay several years ago).
 - ix. *People, et al. v. KURE Shipping S.A., et al.*, Humboldt Co. Sup. Court (natural resource damage and statutory violations stemming from another fuel oil spill in Humboldt Bay several years ago).
 - x. *In re Petition of Calvin and Winifred Chang* (SWRCB/OCC File No. A-1535).
 - xi. *In re Petition of Betty A. Marshall* (SWRCB/OCC File No. A-1652).
 - xii. *John W. Hanes et al. v. North Coast Regional Water Quality Control Board*, Mendocino County Superior Court, Case No. SCUK CVPT 0492211 (challenging administrative civil liabilities and their basis).
 - xiii. *In re Petition of Hopland Public Utilities District* (SWRCB/OCC File No. A-1698).
 - xiv. *Pacific Lumber Company et al. v. North Coast Regional Water Quality Control Board*, Humboldt Co., Superior Court, Case No. CV050674 (challenge to procedures for considering, and authority to issue, the proposed waste discharge requirements for Pacific Lumber Company's timber operations in Elk River and Freshwater Creek).
 - xv. *Freshwater Creek and Elk River Watersheds Land, Ranch and Property Owners, Residents and Managers ("Owners") v. North Coast Regional Water Quality Control Board*, Humboldt County Superior Court, Case No. CV050675 (companion case to PALCO's (CV050674); challenge to procedures for considering, and authority to issue, the proposed waste discharge requirements for Pacific Lumber Company's timber operations in Elk River and Freshwater Creek).
10. Arrangements for Next Meeting and Adjournment
Wednesday, January 25, 2005
Crescent City Cultural Center
1001 Front Street
Crescent City, CA

Procedures and Notes

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Board are not conducted pursuant to Government Code Section 11500 et seq.

A quorum of the members of the Regional Water Board may meet for dinner and may recess for lunch; however, no business will be discussed except for Closed Session items as announced at the meeting.

Accessibility - The facility is accessible to people with disabilities. Anyone requiring reasonable accommodation to participate in the meeting should contact Jean Lockett, Secretary, at (707) 576-2307 or JLockett@waterboards.ca.gov at least 5 working days prior to the meeting. TTY/TDD/Speech-to-Speech users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

General Statement - The primary duty of the Regional Water Board is to protect the quality of the waters within the region for all beneficial uses. This duty is implemented by formulation and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all domestic and industrial waste discharges. Responsibilities and procedures of the Regional Water Quality Control Board come from the state's Porter-Cologne Water Quality Act and the nation's Clean Water Act.

Presentations - The purpose of the meeting is for the Regional Water Board to obtain testimony and information from concerned and affected parties and make decisions after considering the recommendations made by the Executive Officer. The Regional Water Board and staff welcome information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Regional Water Board to take the appropriate action.

In order to give everyone an opportunity to be heard, a time limit for oral comments may be imposed on any agenda item. Interested persons are encouraged to submit their comments in writing by the applicable due date and use time for oral comments to summarize those concerns. **Speakers should plan to deliver their oral comments within 3 minutes.** If a longer period of time is desired, speakers will be expected to notify the Regional Water Board staff prior to the meeting date, for scheduling purposes. The speaker will be expected to have submitted a written summary of the comments to be delivered by the due date for the associated agenda item and limit oral comments to a summary of pertinent points previously presented in writing.

If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Board members and staff.

Comments on agenda items will be accepted by electronic mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed 5 printed pages in length.

Speakers are responsible for providing and operating projectors and other presentation aids. Some equipment may be available at the Board meeting; however, the type of equipment available will vary depending on the meeting location. **To ascertain the availability of presentation equipment please contact Jean Lockett at (707) 576-2307 or JLockett@waterboards.ca.gov at least 5 working days prior to the meeting.**

Hearing Record - Material presented to the Regional Water Board, as part of testimony that is to be made part of the record must be left with the Regional Water Board. This includes photographs, slides, charts, diagrams, written testimony, etc. All Regional Water Board files pertaining to the items on this agenda are hereby made a part of the record submitted to the Regional Water Board by staff for its consideration prior to action on the related items.

Contributions to Regional Board Members - All persons who actively support or oppose the adoption of waste discharge requirements or a National Pollutant Discharge Elimination System (NPDES) permit being considered by the Regional Water Board must submit a statement to the Board disclosing any contribution of \$250 or more to any

Regional Water Board Member. This requirement applies to contributions of \$250 or more made by the active supporter or opponent or his/her agent for use in federal, state or local elections within the last 12 months.

Also, all permit applicants and/or persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Regional Water Board are prohibited from making a contribution of \$250 or more to any Regional Water Board Member for three months following a Regional Water Board decision on the permit application.

Water Quality Certifications - The Regional Water Board processes requests for Water Quality Certification, pursuant to Section 401 of the Clean Water Act, to ensure that proposed federally-permitted activities will comply with the Regional Water Board's water quality standards. A listing of requests which are pending may be obtained by calling the office of the North Coast Regional Water Board at (707) 576-2220. The list may also be obtained by accessing our web site at www.waterboards.ca.gov

Notices of Proposed Corrective Actions - The Regional Water Board provides routine public notices on proposed corrective actions and closure decisions related to cleanup on contaminated sites. These routine notices are published on our web site at www.waterboards.ca.gov and a copy is maintained at our office for public review.

Petition of Regional Board Action - Any person affected adversely by a decision of the Regional Water Board may petition the State Water Resources Control Board (State Water Board), to review the decision. The State Water Board must receive the petition within 30 days of the Regional Water Board's meeting at which the action was taken. Copies of the laws and regulations applicable to filing a petition will be provided upon request, and may also be accessed at: www.waterboards.ca.gov/wqpetitions/index.html

If the State Water Board accepts a petition for review, the Regional Water Board will be required to file the record in the matter with the State Water Board. The costs of preparing and filing the record are the responsibility of the person(s) submitting the petition. The Regional Water Board will contact the person(s) submitting a petition and inform them of the payment process and any amounts due.

Board Member	Appointment Category	Last Appointed
Beverly Wasson, Chairperson <i>Rio Nido</i>	Irrigated Agriculture	11/30/01
John Corbett, Vice Chairman <i>McKinleyville</i>	Municipal Government	11/30/04
Gerald Cochran <i>Crescent City</i>	Public	11/19/02
Richard Grundy <i>Santa Rosa</i>	Water Quality	11/30/01
Heidi Harris <i>Salyer</i>	Recreation, Fish and Wildlife	02/04/05
Dennis Leonardi <i>Ferndale</i>	Industrial Water Use	02/04/05
Clifford Marshall <i>Hoopa</i>	Municipal Government	02/07/05
William Massey <i>Forestville</i>	County Government	10/30/03
Vacant	Water Quality	02/04/05

Art Baggett	State Board Liaison
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Lead Staff	
Catherine Kuhlman	Executive Officer
Luis Rivera	Assistant Executive Officer
Janet Mahoney	Small Business Liaison
E. Jean Lockett	Secretary
Sheryl Schaffner	Counsel to the Board
Samantha Olson	Counsel to the Board

Watershed Protection Division	
Robert L. Tancreto	Division Chief
John Short	Supervisor, Core-regulatory Unit
Thomas B. Dunbar	Supervisor, Enforcement Unit
Diana Henriouille	Supervisor, North Coastal NPS Unit
Tuck Vath	Supervisor, Northern Cleanups Unit
David Evans	Supervisor, Southern Cleanups Unit
William Winchester	Supervisor, Grants and Special Projects

Timber Harvest Division	
Robert R. Klamt	Acting Division Chief
Christine Wright-Shacklett	Supervisor, Southern Timber Unit
Fred Blatt	Supervisor, Northern Timber Unit
Mark Neely	Supervisor, Special Projects Unit

Watershed Management Division	
Ranjit Gill	Division Chief
David Leland	Supervisor, TMDL Unit
David Hope	Supervisor, Planning Unit